

PATENT
Attorney Docket No. 3495.0166-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Ara HOVANESSIAN et al.)
Serial No.: not yet assigned) Group Art Unit: 1645
Filed: concurrently) Examiner: R. Zeman
For: A NOVEL CELL SURFACE)
RECEPTOR FOR HIV)
RETROVIRUSES, THERAPEUTIC)
AND DIAGNOSTIC USES)

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

PRELIMINARY AMENDMENT

Prior to the examination of this continuation application, Applicants request that the Office amend the claims as follows:

IN THE CLAIMS:

Please cancel claims 1-23.

Please add new claims 24-26 as follows:

--24. A purified HIV receptor comprising the P95/nucleolin, P40/PHAPII and P30/PHAPI proteins.

25. The purified HIV receptor of claim 1, wherein said receptor binds to an envelope protein of HIV.

26. The purified HIV receptor of claim 24, wherein the receptor binds to the V3 loop of said HIV envelope protein.--

REMARKS

Claims 1-23 have been cancelled in this application in the continuation application transmittal form. Applicants have added new claims 24-26. Support for the new claims are detailed in the following table.

Support for Claims	
Claim	Support
24	p. 5, line 27, to p. 6, line 5; p.6, line 26 to p.7, line 5
25	claim 1 and p. 1, lines 4-10
26	claim 1 and p. 1, lines 4-7

Anticipation Rejection of Claim 1 based on Srivastava (1989)

In the prior application, the Examiner maintained his rejection of Claim 1 as anticipated by Srivastava (1989), under 35 U.S.C. § 102(b). The Examiner believes that the claimed P95/nucleolin is the same as Srivastava's phosphoprotein known as nucleolin with a molecular weight of 95 kDa (abstract, p. 99 ¶ 1, p. 103 ¶ bridging columns).

The specification acknowledges that the prior art discloses a P95 nucleolin and cites this Srivastava (1989) reference. (Specification, pages 15-16 and 18-19; Example 10, page 134). The Examiner seems to believe that Applicants are trying to claim the Srivastava protein.

Applicants do not intend to claim the protein recited in the Srivastava reference. Applicants have amended the claims to show that the invention is directed to the complex of the three proteins: P95/nucelolin, P40/PHAPII, and P30/PHAPI. This

complex is not taught or suggested by Srivastava. Thus, applicants request that the Examiner withdraw this rejection.

In view of the foregoing amendments and remarks, Applicants respectfully examination of this application. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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